

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

LATONYA RACHELLE BENNINGS,	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	CIVIL ACTION NO. 3:18-cv-02599-L-BN
	§	
UT SOUTHWESTERN MEDICAL	§	
CENTER,	§	
<i>Defendant.</i>	§	

DEFENDANT’S MOTION TO DISMISS PLAINTIFF’S AMENDED COMPLAINT

Defendant University of Texas Southwestern Medical Center (“UT Southwestern” or “Defendant”) files this Motion to Dismiss pursuant to Federal Rules of Civil Procedure 12(b)(6). As set forth more fully in the Brief filed in support of this motion, Plaintiff’s claims are due to be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(6) for failing to state a claim upon which relief can be granted.

Pro se Plaintiff Latonya Bennings (“Bennings” or “Plaintiff”) filed her original Complaint [DE 3] on September 28, 2018, and her Amended Complaint [DE 8] on October 23, 2018. Defendant moves this court to dismiss all claims asserted in Plaintiff’s Amended Complaint. First, Plaintiff’s claim asserting a hostile work environment based on sexual harassment is time-barred because a complaint was not filed with the EEOC within 300 days of the discriminatory conduct. Second, Plaintiff’s claim asserting race and color discrimination can be dismissed for failing to allege actionable conduct that is sufficiently severe or pervasive to constitute a hostile work environment. Lastly, her retaliation claim can be dismissed because it does not allege an adverse employment action under Title VII.

In sum, UT Southwestern request that the court dismiss Bennings's Amended Complaint (DE 8) for failure to state a claim upon which relief can be granted.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2018, a true and correct copy of the foregoing document was sent via Federal Express Overnight Delivery to:

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